REMARKS

Claims 1-9 and 11-20 remain in the application and stand rejected.

Reconsideration of the rejection is respectfully requested in light of the following reasons.

Claim Rejection -- 35 U.S.C. § 102

Claims 1, 6-8, 15, 16, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,366,912 to Wallent et al. ("Wallent"). The rejection is respectfully traversed.

To anticipate a claim, a reference must include all the limitations of the claim. As will be demonstrated below, Wallent does not teach or suggest at least one limitation of each rejected claim.

Claim 1 is patentable over Wallent at least for reciting: "if the browser will not alert the user, *not performing the download* unless the user specifically authorizes the download" (emphasis added). Wallent discloses conventional web browser security settings. A user can configure these settings to set a security level (e.g., Wallent, FIG. 4). Unfortunately, as discussed in the Specification (see Specification, page 45, line 29 to page 46, line 14), a user can set the security level to a level that will not alert the user before a download. That is, a user can configure a conventional browser's security setting such that the browser will allow a download without first alerting the user. The invention of claim 1 advantageously prevents this situation.

The portions of Wallent cited in the last office action proves that Wallent merely discloses conventional web browser security settings, and does nothing to prevent downloading in situations where the browser will not alert the user prior to a download.

> **Depending upon the security setting**, the Web browser may perform the requested operation, prevent the requested operation from being performed, or prompt the user for a decision as to whether to perform the requested operation.

Wallent, col. 4, lines 44-48 (emphasis added)

As is clear from Wallent, col, 4, lines 44-48, cited in the last office action, the security behavior of Wallent's web browser depends on the security setting of the browser. Claim 1 requires a particular setting of the browser (i.e., where the browser will not alert the user), so it is imperative to determine how Wallent's browser behave in each of its settings. The settings of Wallent's web browser are described in Wallent col. 9, line 63 to col. 10, line 3 and is shown in FIG. 4, which is reproduced below.

Fig.4.
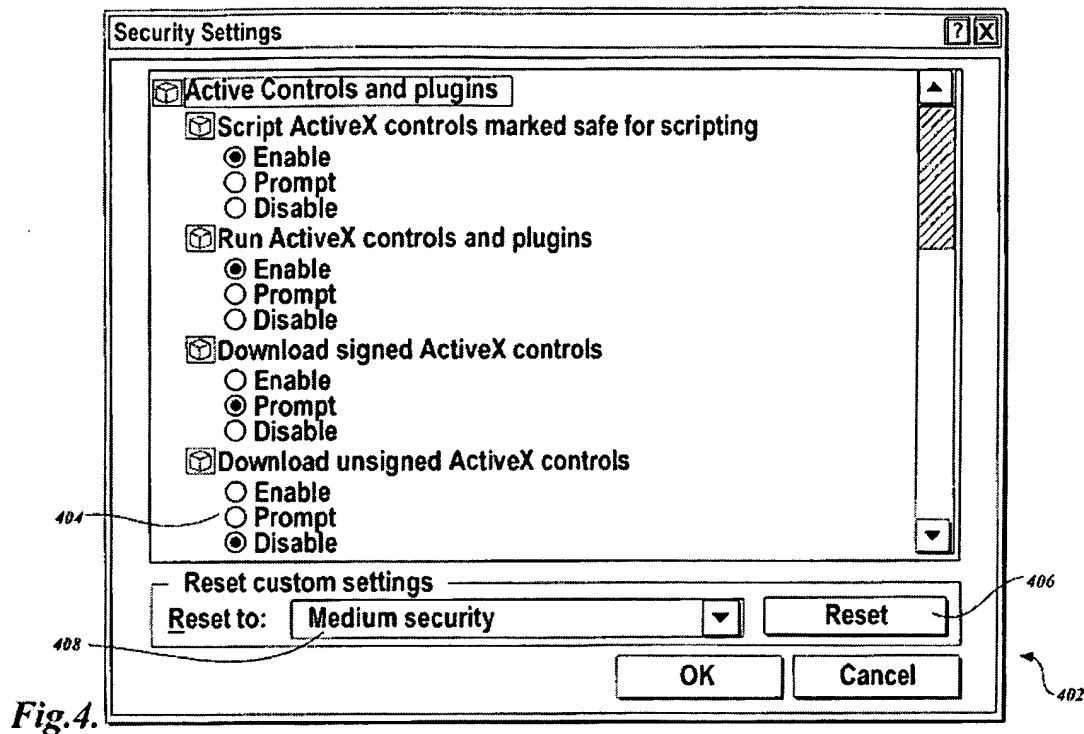
According to Wallent:

> **A setting of "enable" corresponding to an operation indicates that the operation is to be performed, when requested, without warning the user.** A setting of "disable" indicates that the corresponding operation is not to be performed. A setting of "prompt" indicates that, when the corresponding operation is requested, the Web browser should notify the user and query the user for whether to proceed with the operation..

> Wallent Co. 9, line 63 to col. 10, line 3 (emphasis added)

As noted above, in the "enable" setting, the browser performs the requested operation **without warning the user**. In the "enable" setting, the user is thus not given the opportunity to specifically authorize the download – the download proceeds without

prompting the user. In marked contrast, claim 1 requires that in the setting where the browser will not alert the user ("enable" setting in Wallent), the download is not performed **unless the user specifically authorizes the download**. The embodiment of claim 1 thus advantageously prevents unauthorized downloads when the user sets a browser security setting to "enable," whereas Wallent proceeds with the download without alerting the user in that setting. Wallent does not teach or suggest asking the user to specifically authorize a download when the browser is in the enable setting.

The "disable" setting is not relevant to claim 1 because no downloads are permitted in that setting. The user is thus not given the opportunity to specifically authorize a download as required by claim 1. The "prompt" setting is also not relevant to claim 1 because the browser alerts the user in that setting (claim 1 applies to the case where the browser will not alert the user, which is the "enable" setting in Wallent).

Therefore, it is respectfully submitted that claim 1 is patentable over Wallent.

Claims 6-8 depend on claim 1 and are thus patentable over Wallent at least for the same reasons that claim 1 is patentable.

Like claim 1, claim 15 is patentable over Wallent at least for reciting: "if the user will not be alerted prior to the download, not downloading the software to the client computer without a specific authorization from the user."

Claims 16 and 18 depend on claim 15 and are thus patentable over Wallent at least for the same reasons that claim 15 is patentable.

Claim Rejection – 35 U.S.C. § 103

A.   Wallent and Golan

Claims 2, 3, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallent as applied to claim 1, and further in view of U.S. Patent No. 5,974,549 to Golan (hereinafter "Golan"). The rejection is respectfully traversed.

Claims 2 and 3 depend on claim 1, while claims 19 and 20 depend on claim 15. The patentability of claims 1 and 15 over Wallent has already been explained above. Golan does not add anything to Wallent in regard to claims 1 and 15. Therefore, it is

respectfully submitted that claims 2, 3, 19, and 20 are patentable over the combination of Golan and Wallent at least for the same reasons their base claims are patentable.

B.   Wallent, Golan, and Bodin

Claims 4, 5, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallent and Golan as applied to claims 2 and 15, and further in view of U.S. 6,061733 to Bodin et al. ("Bodin"). The rejection is respectfully traversed.

Claims 4 and 5 depend on claim 1, while claim 17 depends on claim 15. The patentability of claims 1 and 15 over Wallent has already been explained above. Neither Golan nor Bodin adds anything to Wallent in regard to claims 1 and 15. Therefore, it is respectfully submitted that claims 4 and 5 are patentable over the combination of Wallent, Golan and Bodin at least for the same reasons their base claims are patentable.

C.   Wallent and Elvanogin

Claims 9 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallent in view of U.S. Patent Application Publication No. 2003/0135504 by Elvanogin et al. ("Elvanogin") in view of "Web surfers brace for pop-up downloads" by Olsen ("Olsen"). The rejection is respectfully traversed.

Claim 9 is patentable over the combination of Wallent, Elvanogin, and Olsen at least for reciting: "if the browser will **not display the security message**, displaying a non-browser message **asking a user to authorize the download**" (emphasis added).

The last office action notes that "Wallent and Golan do not expressly disclose ignoring a security setting in order to solicit a download." Applicants respectfully object to the last office action to the extent it implies the embodiment of claim 9 indiscriminately solicits downloads to "boost distribution of software in an effort to sell targeted ads as suggested by Olsen." As will be explained below, this is actually opposite to what the embodiment of claim 9 is trying to do – confirm with the user in situations where the browser setting is such that a download will proceed without the user being alerted.

Elvanogin discloses a privacy setting that instructs the browsing software never to download anything from a particular restricted site, **regardless** of the security setting that

may be decided via various rules negotiation (Elvanogin, paragraph [0056]). Elvanogin thus teaches **overriding** the browser **regardless** of browser settings – a particular site cannot download anything when the privacy setting so instructs the browser. Note that claim 9 does not pertain to overriding any browser settings. Instead, claim 9 detects the browser setting and then operates depending on the browser settings (in this case, if the browser will not display a security message before download). Elvanogin does not add anything to the teachings of Wallent and Golan as Elvanogin completely ignores browser settings rather than behave depending on the browser settings as required by claim 9.

The last office action also suggests that it would have been obvious to use "Elvanogin's teaching of ignoring security settings with Olsen's teaching of pop-up messages along with Golan's teaching of security settings in order to boost distribution of software in an effort to sell targeted ads as suggested by Olsen." It is respectfully submitted that this proposed combination cannot read on claim 9.

Firstly, as discussed above, Elvanogin teaches ignoring browser settings whereas claim 9 recites the opposite – detecting browser settings and asking the user to authorize a download if the browser will not display the security message based on its setting. The browser setting is critical in claim 9, whereas Elvanogin completely ignores browser settings by overriding it. The combination would result in a system that ignores browser settings whereas claim 9 requires an action on a particular browser setting.

Secondly, Olsen **teaches away** from the embodiment of claim 9. In claim 9, the user is asked to authorize the download if the browser will **not** display the security message. That is, instead of just proceeding with the download because the browser setting is such that the user will not be alerted with a security message (an opportunity for "boosting distribution of software" as taught by Olsen), claim 9 instead recites asking the user to authorize the download. **More specifically, claim 9 asks the user to authorize the download in a situation where the download could have proceeded anyway.** Claim 9 thus recites the opposite of what Olsen teaches. Therefore, one of ordinary skill in the art would not be motivated to combine the teachings of Olsen, Wallent, and Elvanogin to meet the limitations of claim 9. On the contrary, one of ordinary skill reading Olsen would simply proceed with the download, rather than ask the user to

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authorize the download, if the browser will not display a security message to "boost distribution of software in an effort to sell targeted ads."

For at least the above reasons, it is respectfully submitted that claim 9 is patentable over the combination of Wallent, Elvanogin, and Olsen.

Claim 14 depends on claim 9 and is thus patentable over the combination of Wallent, Elvanogin, and Olsen at least for the same reasons that claim 9 is patentable.

D.   Wallent, Elvanogin, Olsen, and Golan

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallent, Elvanogin, Olsen, and Golan.

Claim 11 depends on claim 9. The patentability of claim 9 over the combination of Wallent, Elvanogin, and Olsen has been explained above. Golan does not add anything to Wallent, Elvanogin, and Olsen in regard to claim 9. Therefore, it is respectfully submitted that claim 11 is patentable over the combination of Wallent, Elvanogin, Olsen, and Golan.

E.   Wallent, Elvanogin, Olsen, and Bodin

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallent, Elvanogin, Olsen, and Bodin.

Claims 12 and 13 depend on claim 9. The patentability of claim 9 over the combination of Wallent, Elvanogin, and Olsen has been explained above. Bodin does not add anything to Wallent, Elvanogin, and Olsen in regard to claim 9. Therefore, it is respectfully submitted that claims 12 and 13 are patentable over the combination of Wallent, Elvanogin, Olsen, and Bodin.

Conclusion
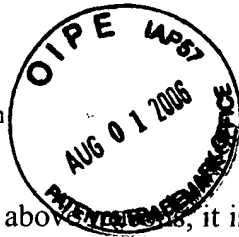
For at least the above reasons, it is believed that claims 1-9 and 11-20 are in condition for allowance. The Examiner is invited to telephone the undersigned at (408)436-2112 for any questions.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

Respectfully submitted,
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Dated: **7-27-06**

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